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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,355	10/20/2000	Pallavi Shah	843161-165	7938

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EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,355

Applicant(s)

SHAH ET AL.

Examiner

Ramsey Refai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 16, 17, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-15, 18-28, 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received on January 18, 2005.

Claims 1, 2, 5, 8-12, 14, 15, 18, 21-25, 27, 28, 31, 34, 35, 37, 38, and 40 have been amended. Claims 3, 4, 16, 17, 29, and 30 have been canceled.

Claims 1, 2, 5-15, 18-28, 31-40 are now presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5-7, 9-15, 18-20, 22-25, 27-28, 31-33, and 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Elderton et al (U.S. Patent No. 6,477,572).

4. As per claims 1, 14, 27, and 40, Elderton et al teach a computer system, a computer program product and an apparatus, respectively, comprising:

generating one or more actors on a server, wherein each actor is a functional component of a distributed application (**column 2, lines 1-26, column 6, 18-52, Figure 9; objects represent application programs/resources available on each node**);

linking said actors in a first hierarchical tree (**Figure 9, column 6, lines 35-45, column 7, lines 15-25; a first tree representing all objects is built after discovery**);

generating a dataset (**Figures 7 and 8; attribute list**) corresponding to a second hierarchical tree, wherein the second hierarchical tree is a subset of said the first hierarchical

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tree (column 6, line 4- column 7, line 38; using the attribute list, a user can display only objects that meet a rule selected from the attribute list, such as common application programs or common devices, etc.) ;

sending said dataset to a client (Figure 7, column 6, line 59- column 7, line 20);

and

replicating the second hierarchical tree in said client using said dataset (column 6, line 59- column 7, line 25, column 6, line 17-35).

5. As per claim 2, 15, and 28, Elderton et al teach:

wherein each node in said first hierarchical tree comprises a source actor (column 2, lines 1-26, column 6, 18-52, Figure 9);

wherein each node in the replicated second hierarchical tree comprises a member actor (column 6, line 4- column 7, line 38; objects in second tree represent objects with a common attribute/rule) : and

wherein each member actor corresponds to a respective source actor (column 6, line 4- column 7, line 38, Figures 9 and 10; objects in the second tree are objects from the first tree that meet a selected attribute/rule).

6. As per claims 5, 18, and 31, Elderton et al teach providing a communication interface between each member actor and its corresponding source actor (column 6, line 4- column 7, line 38).

7. As per claims 6, 19, and 32, Elderton et al teach each said actor comprises a tree of hierarchically linked nodes, said nodes comprising one or more objects (Figure 9, column 2, lines 11-37, column 6, lines 18-45).

8. As per claims 7, 20, and 33, Elderton et al teach said nodes further comprise one or more nested actors (**Figure 9**).

9. As per claims 9, 22, and 35, Elderton et al teach said generating a dataset comprises: obtaining inclusion criteria from one or more parameter sets; traversing said first hierarchical tree to determine nodes of said first hierarchical tree that comply with said inclusion criteria (**objects in second tree are selected from first tree based on criteria/rule**) obtaining a pre-initialized object for each of said nodes that comply with said inclusion criteria; generating a client graph comprising said pre-initialized objects (**Figures 7, 8, column 2, lines 8-26, column 6, line 4- column 7, line 38; using the attribute list, a user can select which objects to display on the second tree based on the criteria/rule selected by the user. Criteria/rule can include common application programs or common devices, etc.**).

10. As per claims 10, 23, and 36, Elderton et al teach said traversing said first hierarchical tree is on a node-by-node basis starting from the root node and proceeding through all the leaf nodes (**column 6, line 4- column 7, line 38, Figures 9 and 10**).

11. As per claims 11, 24, and 37 Elderton et al teach said dataset is indicative of the full client graph (**column 6, line 4- column 7, line 38, Figures 9 and 10; objects in the second tree are objects from the first tree that meet a selected attribute/rule**).

12. As per claims 12, 25, and 38, Elderton et al teach said dataset comprises a subgraph for updating the replicated second hierarchical tree of said client (**Figures 7-8**).

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13. As per claims 13 and 39, Elderton et al teach said pre-initialized object comprises methods and attributes for construction and initialization of said client graph (**column 6, line 4- column 7, line 38, Figures 9 and 10**).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8, 21, 26, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elderton et al (U.S. Patent No. 6,477,572) in view of Follendore et al (U.S. Patent No. 5,369,707).

16. As per claims 8, 21, and 34, Elderton et al fails to teach use of a secure communication network.

17. However, Follendore, III teaches the use of a secure network to ensure the security of messages communicated on a network (abstract). It would have been obvious to one of the ordinary skill in the time at the time of the applicant's invention to combine the teachings of Elderton et al and Follendore, III because Follendore, III's use of a secure network in Elderton et al's method would insure that the proper network tree representation is sent to a designated client and has not been altered and to also insure that such information is only viewed by the designated client.

18. As per claim 26, Elderton et al teach said pre-initialized object comprises methods and attributes for construction and initialization of said client graph (**column 6, line 4- column 7, line 38, Figures 9 and 10**)

Response to Arguments

19. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the applicant argues in substance that:
 - a. Elderton et al fails to teach generating one or more actors on a server, wherein each actor is a functional component of a distributed application;
 - b. Elderton et al fails to teach replicating the second hierarchical tree in said client using said dataset.
- In reply to:
 - a. Examiner respectfully disagrees because Elderton et al does teach that object represent a network resource, an application program, installed programs, etc on a node **(see column 6, lines 18-45, column 2, line 1-26)**.
 - b. Examiner respectfully disagrees because Elderton et al does teach the use of an attribute list that the user can select from to define rules for objects that are displayed on the second tree. The second tree is a subset that represents nodes from the first tree that meet a user-selected criteria/rule. This is then displayed on a graphical user interface on the client device **(see column 6, line 4- column 7, line 38, Figures 7 and 8)**.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
June 8, 2005


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER